

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

STEPHEN L. EMERY,

Plaintiff,

v.

NATIONAL UNION FIRE  
INSURANCE COMPANY OF  
PITTSBURGH, PA,

Defendant.

NO: 12-CV-0215-TOR

ORDER DENYING PLAINTIFF'S  
MOTION FOR ENTRY OF  
JUDGMENT

BEFORE THE COURT is Plaintiff's Motion for Entry of Judgment (ECF No. 61). This matter was submitted for consideration without oral argument. The Court has reviewed the motion and the record herein and is fully informed.

DISCUSSION

Plaintiff moves for the entry of judgment on his previously dismissed claims pursuant to Federal Rule of Civil Procedure 54(b). Rule 54(b) permits entry of judgment on claims that have been dismissed on summary judgment "only if the

1 court expressly determines that there is no just reason for delay.” Fed. R. Civ. P.  
2 54(b). The purpose of the rule is to facilitate an immediate appeal of dismissed  
3 claims while additional claims remain pending in the trial court. *See* Fed. R. Civ.  
4 P. 54(b), Advisory Committee Note to 1946 Amendment (noting that Rule 54(b)  
5 was adopted “in order to avoid the possible injustice of a delay in judgment of a  
6 distinctly separate claim to await adjudication of the entire case”). “Not all final  
7 judgments on individual claims should be immediately appealable, even if they are  
8 in some sense separable from the remaining unresolved claims.” *Curtiss-Wright*  
9 *Corp. v. Gen. Elec. Co.*, 446 U.S. 1, 8 (1980). “Judgments under Rule 54(b) must  
10 be reserved for the unusual case in which the costs and risks of multiplying the  
11 number of proceedings and of overcrowding the appellate docket are outbalanced  
12 by pressing needs of the litigants for an early and separate judgment as to some  
13 claims or parties.” *Morrison-Knudsen Co., Inc. v. Archer*, 655 F.2d 962, 965 (9th  
14 Cir. 1981).

15 This is not the “unusual case” in which entry of separate judgments is  
16 appropriate. To the contrary, this case presents the rather routine scenario in which  
17 a subset of the plaintiff’s claims was dismissed on summary judgment, leaving a  
18 handful of other claims to be resolved at trial. The Court finds that Plaintiff will  
19 not be prejudiced by being forced to wait an additional two months<sup>1</sup> to pursue an

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20 <sup>1</sup> A bench trial on Plaintiff’s remaining claims is scheduled for December 2, 2013.

1 appeal of his dismissed claims. Accordingly, Plaintiff's motion for entry of  
2 judgment is denied.

3 **IT IS HEREBY ORDERED:**

4 Plaintiff's Motion for Entry of Judgment (ECF No. 61) is **DENIED**.

5 The District Court Executive is hereby directed to enter this Order and  
6 provide copies to counsel.

7 **DATED** October 22, 2013.



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A handwritten signature in blue ink that reads "Thomas O. Rice".

THOMAS O. RICE  
United States District Judge